

10-26-2012

# Pope v. Heitman Appellant's Brief Dckt. 39626

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CRalph-Edward: Heitman  
Porst Office Box 271  
Garden City, Utah  
[84028]

Supreme Court  
of  
Idaho

2012 OCT 26 A 9:33

case 39626-2012

Ralph-Edward: Heitman  
Sovereign American Citizen

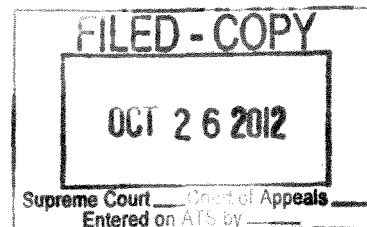
Appellant

VS

Dan L. Pope; Dan L. Pope, Trustee  
DAN L POPE, DAN L POPE FAMILY TRUST et al.

Appellee

**APPELLANTS BRIEF**



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2. Affidavit of Ralph-Edward: Hartman: Attorney Erickson said in court in my presence that he had served Thomas Griffin by publication in newspaper. At all times between October 11, 2004 and Present, Griffin lived in Winnemucca, in Humboldt County. Wherefore: Griffin has not been served.
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CRalph-Edward: Heitman  
Porst Office Box 271  
Garden City, Utah  
[84028]

Supreme Court  
of  
Idaho

case 39262-2012

Ralph-Edward: Heitman  
Sovereign American Citizen

Appellant

VS

Dan L. Pope; Dan L. Pope, Trustee  
DAN L POPE, DAN L POPE FAMILY TRUST et al.

Appellee

**NOTICE:**

The appellant ASKS THE COURT to take notice of the findings in Haines v Kerner; wherein the court stated that in cases where the Defendant is representing himself, the Court is to look at the FIRM and not the FORM of the pleadings.

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“

Comes now the Ralph-Edward: Heitnan, Defendant in Error, with “Appellant’s Brief” and give this above captioned court Mandatory Judicial Notice of the Following:

**“Mandatory Judicial Notice:  
of the use of Foreign Law, as follows:” and,  
Affidavit of Ralph-Edward: Heitman; Sovereign American Citizen**

**:NOTICE:**

1) NOTICE of the Office of the honorable Judges: See Appendix "a"

2) In this instant case filed on August 10<sup>th</sup> of 2010 there is no affidavit of the ALLEGED CLIENT "Dan L Pope"; or the filling of any Denial of the Sovereign Citizen's (Ralph-Edward: Heitman's) AFFIDAVIT of Denial of Corporation Existence; filed on; June 14<sup>th</sup>, 2004, 3 full months before the filing of the first case in these series of cases, CV~2004-000212.

2a) And there is no rebuttal of the Rqlph-Edwqrd; Heitman's Ninth Amendment Proclamation filed on 11/30/2010 #208828, or of his Ninth Amendment DECLARATION OF EXPARTRAITION and repartraition to the Constitutional government.

3) However: In this instant matter, as secured Party Creditor to the Debtor, Corporation, filed numerous Tax statements, the significants of which lies in the "Plain Statement of Fact on page 2; wherein lies the un rebutted petitioners statement that he is a "Secured Party Creditor" and a "Sovereign American Citizen" with ALL UNALIENABLE RIGHTS reserved.

3a) Next, there is **no Evidence that Dan L. Pope has been injured** and (the first element of Standing is notice of injury). Mr. Pope has not spoken. All that is presented are the Statements of an Attorney in "Argument and Brief which are not Facts before the Court", (Trinsey v. Pagliaro, 229 F2. 647.).

4) Notice of the use of use of foreign law by the Idaho Evidence Code, incorporated herein by reference

4a) Notice of foreign law by the use of the **Constitution of the united States of America**, incorporated herein by reference.

5) Notice: The other side "must" answer by Verified Affidavit. rebuting all statement of this fact of Sovereign American Citizen Since this is a affidavit and an un rebutted affidavit stands as fact in Law

6) The Mr. Dan L Popes' Attorney can not answer by Affidavit, a) He is Re-Pre- senting, as a (Corporation, Artificial, fiction, person), or Law Firm (a Corporate, fiction) does not have personal

Knowledge, is incapable, incompetent as a witness; however his Client cannot answer by Affidavit  
Either because he is not mentally competent; he is an idiot, or mental retard, reason being, that he  
engaged an attorney at the outset, because he is incompetent, and he know it to be so.

7.) Wherefore: anything that the other side does or says is not admissible as it is "hearsay testimony."

**8.) STANDING: The Supreme Court has consistently stressed that a plaintiff lacks Standing unless he can establish that he has a personal stake in the alleged dispute, and the injury is particularized as to him.** (*Raines v Boyd, 521 U.S. 811,(1997)*). This Raines Case states that there are three STANDING Requirements: 1.) Injury 2.) Causation and 3. Redress-ability; before we can get to 2 & 3 we must get Past No. 1. It appears, however, that this will never happen. There is no AFFIDAVIT; by the alleged INJURED PARTY. In Fact, there is no Injured Party to come forth and claim, thus Rule 12(b)6/ the alleged Claimant and his Attorney have both "Failed to State a Claim Upon Which Relief Can be Granted" there is no Case.

#### JURISDICTION: STATEMENT

#### AND Factual ALLEGATIONS

I, Ralph-Edward: Heitman, sovereign, swear that the facts stated in this Brief and Affidavit are true correct and accurate to the best of my ability and knowledge and if called to testify, I will so do their truth accuracy and factual sufficiency thereof with my own personal firsthand knowledge. In the instant case 2010-000206; There is no Affidavit by Plaintiff to bring the case, no competent Witness to testify or put facts on the Record, and no Live body to end the Case. (*Thinsey v Pagliaro and Gonzoles v Buist*). *United States v Lovasco* 431 U.S.783

**Para.17** *United States Court of Appeals, First Circuit. (above) 760 F.2d 20*

"The affidavit...is fatally defective in not setting forth the facts from which the court could infer that Complainants had a good cause of action. It has also been decided that the opinion of neither counsel Nor the party could avail a complainant on whether a good cause of action existed."

**Instant Case No. 2012-39626, before the IDAHO SUPREME COURT, THE DISTRICT COURT JUDGE took JURISDICTION where NO Affidavit existed to grant JURISDICTION for the JUDGE Brown to exercise upon. See discussion above and in U.S. v Will 449 US 200, 216 101 S Ct471, 66 LEd 2<sup>nd</sup> 392, 406 (1980) at footnote '19', by Justice Marshall; "When a judge acts where he does not have jurisdiction to act, the judge is engaged in an act, or acts of Treason." Also See: Cohens v Virginia 19 US (6 Wheat) 364, 404, 5Led 257 (1821)**

**\* \* \* Para 19** United States Court of Appeals, First Circuit. (above) 760 F.2d 20

This is not a case where the discretion of the court is involved and greater liberty may be allowed in the construction of affidavits ..., **"the affidavit is one that**

**is a condition precedent to giving the court jurisdiction"**.

**THE Idaho Supreme COURT WILL TAKE JUDICIAL NOTICE :**

*In this Case before this Idaho Supreme Court; and Since **there is no Affidavit** to*

*bring this case and therefore, **no statements of facts to be answered or disputed; since an Attorney can not state a fact or put fact on the record, or in Evidence. (Trinsey v Pagliaro). However, NOTICE the Judge Mitchell Brown took jurisdiction where Jurisdiction did not exist; and, what makes the matter even more unconscionable and reprehensible, lies in the fact that Judge Brown took Jurisdiction over a PRIVATE COMMERCIAL AFFIDAVIT, (NOTICE OF Dishonor) Process, three steps removed from the bounry of his jurisictional authority and in violation of his CONSTITUTIONAL OATH; AND OF a claim that has been on the COMMERCIAL RECORD for over five years (but certainly more than 90+1 days) and is now an ACCOUNT RECEIVEABLE, AND CAN NO LONGER BE TAMPERED WITH [TO quote an old Hank Willilams country song,"It's crying time again], (The IRS knows this SONG very very well and uses It every day of the year). IT IS NOW AN ACCOUNT RECEIVABLE LIEN ON ALL OF THE ASSETS OF THE PLAINTIFF Dan L. Pope.***

**Also, this alleged lein is now an account recievable in the Private venue. outside of the reach of Attorney Lane V Erickson and the State Judge Michell Brown.** They are warring against both Idaho and united States Constitutions, and commit Treason Felony and Misprision of Treason Felony to the Constitution

FROM THE IDAHO SUPREME COURT's OWN CASE of March 25<sup>th</sup>, 2007 by Mr. Savage;

**This APPELLANT TAKES THE FOLLOWING STATEMENT:**

**STANDARD OF REVIEW**

*"A question of subject matter jurisdiction is fundamental; it cannot be ignored when brought to our attention and should be addressed prior to considering the merits of an appeal. State v. Kavajecz, 139 Idaho 482, 483, 80 P.3d 1083, 1084 (2003). Even if jurisdictional questions are not raised by the parties, we are obligated to address them, when applicable, on our own initiative. Id. The question of a court's subject matter jurisdiction is a question of law over which this Court exercises free review. Id."*

All Four of these Cases are inter-Related and dealing with the Same Subject Matter. This Appellant believes that all four Cases fail in Study of Standing and Jurisdiction both Jointly and Severally. However, the most important issue of Constitutional Liberties, Due Process of Law, and STANDING enters regularly and SHOULD be also examined and dealt with. The first element of Standing is a Real Live Body (Witness) complaining of an Injury. In this instant Matter, the DAN L. POPE ET AL; case, the District Court Judge, Mitcheal W. Brown, took jurisdiction from an Attorney or his Client who had NO Standing to be in Court. They have both engaged in Treason Felony to the united States Constitution; (Under Title 18-Sec2381 & 2382),

NOTICE: Appellant, Ralph-Edward Heitman, Sentient man on the land Sui Juris, in special appearance and NOT general under the provisions of O'Sheaf and Hospital Mortgage, sited below, states and grants Jurisdiction to this Idaho Supreme Court to hear the matters in the following case; in that, Real Party wrote this document, has first hand knowledge of the facts, been fighting these matters for the past Eight (8) Years, with personal knowledge of the facts contained in this document, is over age of 21, and if called to testify, will do so with the truth, accuracy authenticity, and factual sufficiency of the information, data and facts presented herein, so help me God:



**The Four inter-related Cases are:**

Shown quite clearly on the second Page of Plaintiffs Complaint at **FACTUAL**

**ALLEGATIONS** where he discusses issues of his Fraudulent case 2004-000212. Which lacks Due Process of Law. AND STANDING

*First Case: CV-1004-000212; Home Owners Assn. Inc., v RALPH HEITMAN; Collection of \$1037.*

Atty Erickson goes outside of Marbury v Madison claims his State Rule 11 supersedes US Constitution, Judge Don Harding allow Atty to violate the Constitution, then Sanctions Heitman, for givin then Promissory note which they both kept 14 months then they hold Criminal contempt hearing (Arger Singer v. Hamblin and Chambers v Mississippi and Meranda are not allowed in court. The UCC 3-603 can go to grass, it does not suit their pleasure. They hold Contempt Hearing

*Second Case: CV-2008-00103 for collection of Attn fees, and home owners assn fees Judge asks attorney what he wants him to do, and this is a judge? Showed him the fraud under rule 902 he cross examined me from the bench David C Ney Owners Assn Inc., v Heitman. For atty Fees Judge practices law from the bench, there were witnesses in the Court.*

*Third Case CV-2009-00059 Ralph Edward Heitman v (Collateral Attack) Home Owners Assn Inc. Judge Stephen Dunn took the records to his chambers to Study them, kept them 5 week, the Clerk of the court gave him the records, you know, the person that is supposed to be the guard of the records.*

**Present case on Appeal CV -2010-000206** Dan L. Pope; et al v RALPH HEITMAN Slander of Title which is really a Completed Commercial remedy in the Admiralty jurisdiction that was interfered with by an Attorney who with Judge Mitcheal, Brown have committed Treason Felony 4 times each

Officers of the Court have no immunity when violating constitutional rights, they do so at their own peril. "Owens V Independence" 100 Vol. Supreme Court Reports. 1398 (1982)

Boyd v United States, 116-USR 616; "The Court is to protect against encroachment of constitutionality or secured liberty of citizen.

THESE CASES ARE **ABOUT; STANDING and JURISDICTION,**

and treason Felony fraud to the US Constitution.

There has not been one competent fact witness put on the Stand by the Plaintiff's attorney in 8 years

There is only Continuous HARRASMENT, CONSTRUNATION, MENTAL ANGUISH AND ABUSE, by Attorney LANE V. ERICKSON. It is harassment because an Attorney has knowledge (Title 42-Sec 1986) he cannot play Dumb. The logical extension of this thought then IS: He is Working a Fraud upon the Court, hoping that he can get the Court to cast blind eyes on his Scheme. But if he does succeed, he may have also succeeded in putting a Monkey on the Back of the Supreme

Court Justices. If he does not succeed then he risks the possibility of being visited with the ultimate presentment of Page 1693, of BLACK'S Ninth LAW Dictionary.

Mr. ERICKSON has acted with unclean Hands and IN BAD FAITH by going behind a private Administrative Remedy. However, should he pass that obstruction, he is not home free yet; He Still has JURISDICTION TO DEAL WITH. Now he is resorting to threatening letters (See ERICKSON)

Before Atty ERICKSON can discuss STANDING; the first issue in his attack upon SECURED PARTY'S PRIVATE Commercial Affidavit of Dishonor Process, he must show STANDING:

1. TO BE IN COURT IN THIS VENUE; as an ATTORNEY; He can not go out side of CONSTITUTIONAL LIMITS. (He has NO BOND or AUTHORITY IN THE PRIVATE)!
2. THAT HE IS NOT just an interloper, INTERFERING IN PRIVATE COMMERCIAL CONTRACTS and in PRIVATE COMMERCE, where there are no immunities available to him.
3. THAT He has a Contract with the Real Party, Man on the Land, Dan L. Pope to represent him in this Private Matter/Action,
4. Erickson has a conflict of interest, he is Attorney for the Homeowners Association,
5. TO go into the PRIVATE VENUE (ie ("notice for Harmony and Agreement and REQUEST FOR PROOF OF CLAIM TO RIGHT TO USE OF PROPERTY, and NOTICE OF INTERNATIONAL COMMERCIAL CLAIM WITH-IN THE ADMIRALTY, ab initio, ADMINISTRATIVE REMEDY"), File #REH051605DPT DATED September 14<sup>th</sup>, 2006.
6. That it is not true, an Attorney has knowledge under Title 42, Sec. 1986,
7. That the Title of the First Page of the First Document did not say Administrative Claim in the Admiralty Jurisdiction, and this is not a Private Claim
- 8, And, it is NOT TRUE that an Attorney, But SPECIFICALLY, LANE V ERICKSON, ATTORNEY, and/or the Racine Law Firm can represent a client in an Administrative Remedy

**(a PRIVATE PROCESS, FOR HARMONY AND AGREEMENT), PRE-Judicial and Non-Judicial.**

9. That if the Occasion arises where he (Atty in No. 7, above) finds it necessary to go outside of the U. S. Constitutional LIMITS of his AUTHORITY, he must Bond the case with (2) Fide Jusers'(Two Bonds each equal of the total value of the Law Suit) to protect the other side, since he has no Public Bonding (his Bar Card Number) in the Private Venue).

10. Pretended Plaintiff did not Speak. Failed To State a Claim upon which relief can be granted.

11. As a Corporate Person to tamper with Secured Party's Private Right to Contract outside of Constitutional Limits; Marbury v Madison, 5 US 137;(the Constitution is the Supreme Law OF the land and law repugnant to the Constitution is null and void)

1.) Defendant, in Error, alleges that this Supreme Court has Original Jurisdiction over Void Judgments, Fraud Upon the Court, Due Process Violations, the State Constitution, and U.S. Constitution Treason Felony to the Constitution, and Misprision of Treason Felony; they ALL go to **STANDING & JURISDICTION, severally and Jointly**

2.) This Petitioner. Ralph-Edward: Heitman, a Sovereign American Citizen, Sui Juris, has no knowledge and there is no Evidence or Record that Attorney LANE V ERICKSON IS NOT an Artificial Person, (Black Ink on White paper), and can not State a Claim, or place Facts on the Record, or testify on the Court Record.

3.) There is no knowledge, Evidence or Record that support for the above statements is not found in (Trinsey v Pagliaro, 229 F.2nd, 647;) "The Statement of an attorney in brief or argument do not rise to the level of Fact."; and, Porter v Porter, (N.D. 1979) 274 N.W. 2d 235) **"The practice of an attorney filing an affidavit on behalf of his client, asserting the status of that client, is not approved, in as much as, not only does the affidavit become hearsay, but it places the attorney in a position of a witness, thus compromising his role as advocate.**

4.) This Petitioner. Ralph-Edward: Heitman, a Sovereign American Citizen, Sui Juris, has no knowledge

and there is no Evidence or Record that Attorney LANE V ERICKSON IS NOT an Artificial Person, (Black Ink on White paper), an Officer of the Court and can not State a Claim or place Facts on the Record, or testify for the Court Record, or invoke Jurisdiction; neither can he put FACT on the Record, nor commence an action in Law or Equity or civil law. admiralty, otherwise in a any Court..( See the 11<sup>th</sup> Amendment to U.S, Constitution).

5.) There is no evidence or record that , 6<sup>th</sup> District Court of the Bear Lake County has Judicial Power, “The Judicial Power of the United States shall not be construed to extend to any suit in Law or Equity by citizens or Subjects of any Foreign State”. Eleventh Amendment to the Constitution for the united States of America”. Mr. Erickson, the entity who commenced this Suit, is a Subject of the Foreign State, District of Columba, and can not invoke Jurisdiction; he is a Artificial Person, not a Real Man on the Land..

6.) There is no knowledge, Evidence or Record that; support for the above statements is not found in Trinsey v Pagliaro, 229 F.2nd, 647; “The Statement of an attorney in brief or argument do not rise to the level of Fact...”; and Porter v Porter, (N.D. 1979) 274 N.W. 2d 235 **“The practice of an attorney filing an affidavit on behalf of his client asserting the status of that client is not approved, in as much as not only does the affidavit become hearsay, but it places the attorney in a position of a witness, thus compromising his role as advocate”.**

7.) There is no Evidence or Record that an Unverified Complaint, submitted by an attorney, is properly before the court, and, thus, grounds the case; and, it does not justify answering.

8.) The Supreme Court of Puerto Rico has made clear that a court may **not rely on an unverified complaint to supply the required facts.** See O'Sheaf, 38 P.R.R. at 234; Goldsmith v. Villari, 27 P.R.R. at 735. See also Hospital Mortgage, 653 F.2d at 57 **Supreme Court of Puerto Rico** Decided April 24, 1985; Heard March 4, 1985.  
(Former Cal. Civil Procedure Code Sec. 412. **This section has been amended and replaced by Cal. Civil Procedure Code Sec. 415.50 (West Supp.1985).** **The Supreme Court of Puerto Rico has often followed California precedents in this area. See O'Sheaf v.District Court, 38 P.R.R. 231 (1928); Goldsmith v. Villari, 27 P.R.R. 726 (1919))**

9.) The COMPLAINT, in this CASE CV-2010-000206 IS AN UNVERIFIED COMPLAINT

Para 19 United States Court of Appeals, first Circuit, 760 F 2d 20. This is not a case where the discretion of the court is involved and greater liberty may be allowed in the construction of affidavits...

10.) "The Affidavit is the one that is a precedent to giving the court

"JURISDICTION", IT IS THE ONLY DEAL

11.) No Affidavit....No Jurisdiction

In this instant case, THERE IS NO AFFIDAVIT TO BRING THE CASE and the JUDGE MITCHAEAL W BROWN TOOK JURISDICTION WHERE NO JURISDICTION EXISTS. Mr. ERICKSON violates his oath to both State and Federal Constitutions by taking Jurisdiction where no Jurisdiction Exists, he exercises Treason to the united States Constitution in accord with U.S. v Will 449 us 200, 216 101 s ct 471 Z(1980 Cohans V Virginia, 19 US (6 Wheat) 264, 404, 5Led 257 (1821) When a Judge acts where he does not have jurisdiction to act, the judge is engaged in an act or acts of treason".(Cooper v Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958)

12) This Judge Brown has acted twice, and maybe more, times in Treason to the united States Constitution and therefore, in Violation of Title 18-2382 Misprision of Felony; along with Attorney Erickson who is trying to be the big hero who distroys the constitutional right to Private contract as confirmed in ("Hale v Hinkle" 201 U.S. 43) "A citizens right to private Contract is unlimited .....,."

13.) *"Where rights secured by the Constitution are involved, there can be no rule making or*  
Page 10 of 19

legislation which would abrogate them."( Miranda v. Arizona, 384 US 436)

14.) Erickson and Judge Brown along with the other Three judges of the 6th, District Idaho Court are put on the Lien with Dan Pope and the Lien on the Home Owners Assn. Inc. for Debauching, impairing, abridging the obligations of contract stated by the Federal Constitution, and a breach of their Duty\*(each for 250 Million Dollars.) breach of Oath and others as they come to surface.

15.) *A Cause of Action is a breach of a legal duty that resulted in an injury which caused damage, regarding the authenticated evidence of which at least one competent fact witness will testify under oath and subject to cross examination.*

16) **NOTICE: THERE HAS NEVER BEEN ONE COMPETENT FACT WITNESS TESTIFY FOR ANY OF ERICKSON'S CLAIMS IN (8) YEARS; no matter what I, the Appellate said wrote or did. NO WITNESS**

**TO CROSS EXAMINE EQUALS VIOLATION OF SIX  
AMENDMENT RIGHT TO FACE AND  
QUESTION THE ACCUSSER; (Chambers v. Mississippi)**

17.) Petitioners private action against Atty Erickson and the 4 judges, is to put the Causes all on the existing UCC Financing Statement. They breached their Oaths to our Constitution, and my Liberties and Rights.

**It was Thomas Jefferson who said, "Bind them with the chains of the Constitution."**

18.) **No Contract** has ever been produced allowing this HOMEOWNER ASSN., to have their irrigation pipeline on Appellant's property. Just the Statements of an attorney; And, the very same thing happened in the times the case was appealed to Federal Court. That is, no witness testimony, only Attorney's Statements

19.) Everything these various Judges have done, has been based upon an attorney statements; warring against the U.S. Constitution; However;

20) this So-Called Slander of title action can not be heard by a state Idaho Judge: A. If it is, the Judge is warring against HIS oath and in hostility to the plain

B clear language of the Constitution which he took an oath to protect.

C. This Private CLAIM, having been on the Record for 90+1 days, is now an account **Receivable under (15 SEC).** It has been on

D Record for 90+1 days, and add 174067 and if it was to be contested,

E and any action taken against it must HAVE BEEN DONE In that time frame.

21) Comes now an explanation of the fact placed in the private Venue

Which appellant, Heitman, now feels comfortable in presenting in this Public Case; Since, Attorney Erickson has taken the liberty to bring this PUBLIC COMPLAINT VIA the use of The "Private Commercial Affidavit, Notice of Dishonor Process" into this Public Court. In So doing, he has overlooked full ramifications of his act. It seems He is acting Hostile to his Oath in defiance to Art. 1 Sect. 10 of the U.S. Constitution, and Hale v Hinkle (1906) (Impairment of Contracts), and a known interpretation of the Constitution by the Supreme Court ((now 106 years old and never overturned))....HE who violates a known interpretation Of the Constitution knows precisely what he is doing and can expect to be visited with Punishment; (Screws v US), also; a violation of his oath, and interference with Commerce (without bonding) is a felony.

21) Compulsory Bonding of Public Officials and Summary Process

1. The Constitution of the United States of America is the original commercial contract between The US Government and THE PEOPLE and officer thereof by oath to obey it.

2. Only Constitutional Law and processes and their execution do not have to be bonded, for They are the only commercial process that arise from consent of the governed, "We the people," the Public.

3. Commercial, Civil, and Criminal Processes which abridge the commercial provision of the U S Constitution and the State Constitution are known as summary processes

4. All Summary Processes have the weakness of being subject to bribery, kickbacks, fraud Of process, conspiracy to defraud, and alter ego misuse, and therefore must be bonded. See the state laws on Blue Sky Marketing, Title 15 of the USC, the relationship between bonding



and corporate limited liability, and the reason for official financial disclosure statements. All unbonded Summary Processes constitute the ground for reversible error in all consequent processes. For example, a US Postal Worker is not a bonded legal process server.

5. A commercial lien(90 day grace period before levying); may be used by a citizen to collect a debt or to secure a promised service/oath of a public official by seizing the property of the public official to secure privately and/ or publicly the bond of the official. When an immediate specific proformance is required of an official instead of the general protection of the public, the instant process is called a distress or distress infinite, which because it has no grace period before impoundment, must be pre-bonded. Commercial liens are not common law liens, Common law liens, are Declarations of Obligation (15 USC), and as such are no part of the common law process except:

A.. A lien may be enforced by a levy on the lien by the Sheriff after a 90+1 day acquiescence of the lien debtor, or:

B. Be challenged by the lien debtor in a Jury Trial duly convened by the Sheriff within 90+1 days at the request of the lien debtor pursuant to the 7<sup>th</sup> amendment of the US Constitution or an identical state provision. Said Jury Trial must be duly convened and properly conducted meaning, in part, that all affidavits must be categorically point-for point rebutted, all issues are subject to full disclosure and discovery, and the jury may not retire to the jury room to homogenize the verdict.

## **22) Summary**

**1. A Jury Trial must be convened and used to release a commercial lien.**

**2. An Official (officer of the Court, policeman, etc.) must demonstrate thjat he/she is**

**individually bonded in order to use a summary process, especially to remove a commercial**

lien with a summary process.

3. An official who impairs, debauches, voids or abridges an obligation of contract or the effect of a commercial lien without proper cause, becomes a lien debtor and his/her property is forfeited to the lien claimant,

4. A STATE JUDGE CAN NOT REMOVE A UCC FILING, UNDER THE 11<sup>TH</sup> Amendment, AND IT IS OTHERWISE OUT SIDE OF THE LIMITS OF His Constitutional Authority.

5. The Secured Party Creditor is, Ralph-Edward: Heitman; Dan L Pope and the Bear Lake West Home owners Association, Inc. are conspirator under Title-18, Sec 241 and 242, to defraud and Deprive the Real Party of the Free Liberty and Enjoyment of his Property, Lot 21, Country Club Estates, Unit-2, They both receive a benefit at the expense of the Secured Party who had no knowledge of the Hidden 6 Inch Pipe line on the South Side of the North Property Line of his land.

6. Further. on 05/20/04, over FOUR MONTHS prior to Mr. Erickson and the Home Owners Association filing there Law Suit; Secured Party placed a UCC-3 financing Statement on the Property. and is still the Holder in Due Course of the property as a Sovereign American Citizen.

7) FILING RESTATEMENT OF COLLATERAL FOR CLARIFICATION

This is an addition to UCC financing statement #2009-42528235 and all of its attachments, to this on going UCC- FINANCING Record, along with Affidavit of Ralph-Edward: Heitman, #212607, declaration of Sovereign Status as American Citizen: filing of Judgment based upon violation of Citizens U.S. Constitutional Rights, a charge of #28,390.59+interest@12% per Cleopatra Haslip v Pacific Mutual Life, a jury decision, plus 250 Mil Dollars deprivation of Constitutional Rights(each actor)at trial of November 16<sup>th</sup>, 2006, Conspiracy, with Lane V Erickson, acting outside Constitutional Limits, 100 Mil each Actor, notwithstanding Judge David C Nye; Judge Steve S Dunn; Judge Mitchael W Brown; Judge Don L Harding, for committing Misprision of Treason Felony by going outside of constitutional limits, acting in Bad Faith, going in back of

**Private Administrative Commercial Notice of Dishonor Process, in the Admiralty; Pre-Judicial And Non-Judicial, is for the members of the Daines Law Firm of Logan, Utah, in their Private And Public capacity, and their client, Cliff Walters are charged at 50 Mil Dollars for going in back of a**

**Completed Private Administrative Dishonor Process, in the Admiralty Jurisdiction.**

**The NON-EXCLUSIVE RIGHT TO USE Document, Record #174067, is a felony on the State and County Record, proof is with the Doc. #158992, a Warrantee Deed. The Judgment, #196768, and Writ of #Execution, both ask for Lawful Money of the United States of American and There has been none since June 5<sup>th</sup>, 1933, HJR-192,; PL 73-10; UCC-10-104. The Judgment by Judge Don L. Harding, #209772 Nov 30<sup>th</sup>, 2006, resulting from the non-summary contempt hearing Of Nov 16<sup>th</sup>, 2006 (HARDING CHANGED TO CRIMINAL), did not give me a trial, a violation of all Rights and Liberty enumerated in the US Constitution, particularly 4<sup>th</sup> & 5<sup>th</sup> (A JUDGE IS DEEMED TO KNOW THE LAW), "*Owen v Independence*" (100 Vol. Supreme Court Reports 1398 (1982)) "*Officers of the Court have no Immunity when violating Constitutional Liberties*) 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup>, Amendments rights reserved to Ralph-Edward: Heitman, a Sentient American Citizen. The original Subject that started this case if fictitious (Doc #210932). The unsigned Notice Levy is another fault. There is also the County Assessors evaluation of the Subject of the Case 2004-000212, page 2, para 3.**

**As non-existent by Doc #2109329 (Exhibit "C"); plus two PROTECTIVE COVENANTS that are property of retired debtors. Also attached is the Oaths of the Office of the Judges of this Idaho Supreme Court taken in support the U.S. National Constitution, and the letter of Dan L. Pope which by his own hand, shows, Conspiracy to defraud Heitman of the USE of his property, a violation of Title-18; #241 & #242. All of these items were asked in questions to the Home Owner Board of Directors in Private but were interfered with by the Attorney Erickson, (who it seems, Acted in BAD FAITH with unclean hands thereby, Warring against the Constitution); in this PRIVATE PROCESS BY AFFIDAVIT. Attorney Erickson interferes in the Private Affidavit Process as an Artificial Person, but has no Firsthand knowledge of Facts. Therefore all Judges that agreed with him and**

**to**uched the Administrative Affidavit OF Dishonor Process have Committed Misprision of Treason  
**F**elony to the U.S. Constitution, by their own intention, it seems,  
**I**n ACTS of BAD FAITH THEREBY, (The Record is prima Facia Evidence thereof) are charged  
**W**ith 250 Million dollars each, along with their employer, the STATE OF IDAHO.

Also: hereto attached is Document #174067 & Dan Pope Letter. There is conspiracy  
**I**nvolving the Attorney, his Law Firm, the author of 174067 the present alleged client, Dan L Pope,  
**e**t al, His alleged Conspirator, the Bear Lake Home Owners Association, Inc. et al., and the 600  
**S**hare Holders, jointly and severally in their Public and Private Capacity. Also, Attorney Erickson  
**I**s representing both sides of the same conspiracy, and has conflicting interests.

**FURTHER:**

**Petitioner, Ralph-Edward: Heitman Petitions this Supreme Court to Quash and Vacate the**  
**JUDGMENT and ORDER of Feb 2, 2010, AS WELL AS THE ENTIRE ACTION OF CASE**  
**2012-000206,** Notwithstanding the Judge Mitcheal W. Brown has engaged in a Treason  
**F**elony to the Constitution of the United States of America, and against Sovereign American Citizen  
**B**y going OUTSIDE OF CONSTITUTIONAL LIMITS. (Will v US; 449 US 200, SCt 471  
**1**01 (footnote 19). Plus: certain other Remedies against the Dan L. Pope.

Relief Requested to follow in 10 Days: ALSO Respecting the Due Process Violation with the  
**A**ttorneys FAILING with the Constitutional Mandatory NOTICE to Thomas Griffin, one of the  
**n**amed Defendants, As is shown, a joining of the Two Cases by the "Dan L. Pope Letter."

Autograph: Ralph-Edward: Heitman

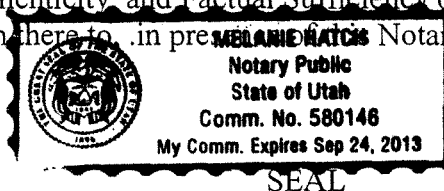
Ralph-Edward: Heitman  
Real Party in interest. Sui Juris  
Sovereign and American Citizen

Finger Print Verification

VERIFICATION

**CONCLUSIONS OF LAW AND FINDING OF FACT to be subscribed and sworn: to the best of my knowledge and ability under perjury and the laws of the united States of America;** I, Ralph-Edward: Heitman, American Citizen do appear before Melanie Hatch, a Notary Public, in and for the STATE OF Utah, ON THIS Day 24 of October, 2012, with satisfactory evidence and identification, that, I am the man who swears and declares the Truth, Authenticity, and Factual Sufficiency of the above AFFIRMATION, and fixed my Autograph there to, in presence of Notary.

Utah  
STATE OF ~~IDAHO~~-----)  
COUNTY OF Coche-----)



:Signature: Melanie Hatch Commission Expires 9-24-13  
notary

**POST SCRIPT:** Would this Supreme Court of Idaho please take Notice: that the continually Blundering Attorney, LANE V ERICKSON, is now resorting to THREATENING LETTERS. (See: the attached Letter marked "ERICKSON" ) In the past few weeks the Petitioner Sovereign American Citizen, Ralph-Edward: Heitman received Notice from Mr. Erickson admitting that he has never Served the Defendant, Thomas Griffin in the ,Sister Case to this one , Case No 2004-000212 HAS NOT BEEN SERVED, and IT IS A RESULT OF ANOTHER OF LANE V ERICKSON'S BLUNDERS which have plagued these cases from beginning. This is another DUE PROCESS VIOLATION which violates LIBERTY and vacates that Case ab-initio.

Ralph-Edward: Heitman  
Respectfully Ralph-Edward: Heitman  
Sovereign American Citizen

## **Mailing Certificate:**

On this    Day of October 2012 I, the undersigned mailed a true and correct copy of the  
Notice of Due Process Violation to the Supreme Court of Idaho and the Appellants Brief  
to:

Lane V Erickson, Atty

Post Office Box 1391

Pocatello, Idaho 83204

*Ralph Edward Heaton*

CRalph-Edward: Heitman  
Porst Office Box 271  
Garden City, Utah  
[84028]

Supreme Court  
of  
Idaho

case 39262-2012

Ralph-Edward: Heitman  
Sovereign American Citizen

Appellant

VS

Dan L. Pope; Dan L. Pope, Trustee  
DAN L POPE, DAN L POPE FAMILY TRUST et al.

Appellee

**NOTICE:**

The appellant ASKS THE COURT to take notice of the findings in Haines v Kerner; wherein the court stated that in cases where the Defendant is representing himself, the Court is to look at the FIRM and not the FORM of the pleadings.

-----

“

Comes now the Ralph-Edward: Heitnan, Defendant in Error, with “Appellant’s Brief” and give this above captioned court Mandatory Judicial Notice of the Following:

**“Mandatory Judicial Notice:  
of the use of Foreign Law, as follows:” and,  
Affidavit of Ralph-Edward: Heitman; Sovereign American Citizen**

**:NOTICE:**

property.

Notice is the first element of Due Process of Law and Attorney LANE V ERICKSON's failure to notice Mr. Griffin. I Ralph-Edward: Heitman. was present in court and heard the Judge David C. Ney ask Attorney Erickson if he has served Thomas Griffin. Mr. Erickson's response was, "Yes Sir your honor I did." I, Heitman heard this with my own ears. The Judge Nye never made Erickson Produce any proof documentation.

Mr. Griffin moved from Lovelock, Pershon County, Nevada on or about the 11 day of October and was dwelling in, Habitating in, Winnamucca, Humbolt County, Nevada on about the 15<sup>th</sup> of October, 2012, last week when I, Heitman, saw him there. Since Fraud Can be raised at any time, in any Court, and since I, Heitman, believe that Dan L. Pope and the Homeowners Association are involved in Conspiracy, I bring this to the attention of the justices of this Supreme 'court at this moment. This may also go to misrepresentation, Mail Fraud and Constitutional Amendments 4, 5, 6, and 7.

Ralph-Edward: Heitman Sui Juris  
*Ralph-Edward: Heitman*  
Sovereign American Citizen

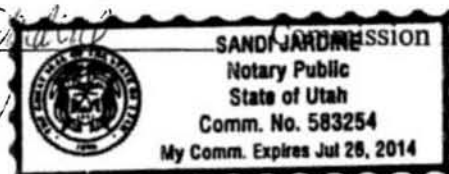
VERIFICATION

**CONCLUSIONS OF LAW AND FINDING OF FACT** to be subscribed and sworn: to the best of my knowledge and ability under perjury and the laws of the united States of America; I, Ralph-Edward: Heitman, American Citizen do appear before Sandi Jardine, a Notary Public, in and for the STATE OF Utah, ON THIS Day 22<sup>nd</sup> of October, 2012, with satisfactory evidence and identification, that, I am the man who swears and declares the Truth, Authenticity, and Factual Sufficiency of the above AFFIRMATION, and fixed my Autograph there to, in presence of this Notary.

Utah  
STATE OF ~~IDAHO~~ )  
COUNTY OF Cache )

SEAL

:Signatures *[Signature]*



Expires

7/26/2014



## **Mailing Certificate:**

**On this    Day of October 2012 I . the undersigned mailed a true and correct copy of the  
Notice of Due Prorocess Violation to the Supreme Court of Idaho and the Appellants Breif  
to:**

**Lane V Erickson,Atty**

**Post Office Box 1391**

**Pocar\tello, Idaho 83204**

*Ralph-Edward: Heitman*

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## UCC: uniform commercial code

### U.C.C. - ARTICLE 3 - NEGOTIABLE INSTRUMENTS ..PART 5. DISHONOR

#### § 3-505. EVIDENCE OF DISHONOR.

- (a) The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor stated:
  - (1) a document regular in form as provided in subsection (b) which purports to be a protest;
  - (2) a purported stamp or writing of the ~~drawee~~ payor bank, or presenting bank on or accompanying the ~~instrument~~ stating that ~~acceptance~~ or payment has been refused unless reasons for the refusal are stated and the reasons are not consistent with dishonor;
  - (3) a book or record of the ~~drawee~~, payor bank, or collecting bank, kept in the usual course of business which shows dishonor, even if there is no evidence of who made the entry.
- (b) A protest is a certificate of dishonor made by a United States consul or vice consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the ~~instrument~~ and certify either that ~~presentment~~ has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

UCC Section 3-505 | Part 5  
UCC Section 3-505  
UCC Section 3-505

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information to encompass and establish a meritorious Action. It is also joined with the attached Affidavit of Tim Christensen, (See the Land Surveyor Affidavit) evidence, under Rule 902, showing Defacto Covenants 132856, the States Miln Duty, the opposing argument is and always has been "Judge Harding found....or Judge Dunn found....". That argument is frivolous and capricious; There never has been ONE Witness testimony of Facts presented to a court in any of the various cases on which a Judge can make a" finding of Fact and Conclusion of Law" Rule 12(b)(6) ONLY THE STATEMENT OF THE Attorney which are not facts before the Court. ALSO

SEE: Government of the Virgin Islands v. Gereau, 523 F.2d 140 (1975) cannot assume facts not in evidence, even if judge believes facts to be Without witness or fact testimony in evidence to support the attorneys finding, they appears to be unfounded slander; {Trinsey v Pagliaro, 229 F. 2<sup>nd</sup> Supp 647:} ("Statements of attorney in brief or argument do not rise to the level of FACT before the court or are they sufficient for Summary Judgment.").

NOTICE; DOESN'T TRINSEYV PAGLIARG GO FURTHER THAT JUST Summary judgment?, for if the attorney's statement are not facts for summary judgment then they can not be considered for Facts put on the Record and also facts to verify a complain, nor FACTS for INCARCERATION. This Petitioner was viciously and maliciously jailed, after Judge had said on the Record that there would be no jail time, with NO EVIDENCE ON THE RECORD or SECURED, Rights being observed by two officers of the court DRUNK with Authority; and NO knowledge of Innocent until proven Guilty.

## Standing No2

The Supreme Court has consistently stresses that a plaintiff lacks standing unless he can establish that he has a personal stake in the alleged dispute, and that the injury is particularized as to him.

Raines v. Byrd, 521 U.S. 811, 819 (1997 )

Standing requirements: There are three standing requirements:

### 1. Injury:

The plaintiff must have suffered or imminently will suffer injury an invasion of a legally protected interest that is concrete and particularized.

The injury must be actual or imminent, distinct and palpable, not abstract.

This injury could be economic as well as non-economic.

### 2. Causation:

There must be a causal connection between the injury and the conduct complained of, so that the injury is fairly traceable to the challenged action of the defendant and not the result of the independent action of some third party who is not before the court.

### 3. Redress-ability:

It must be likely, as opposed to merely speculative, that a favorable court decision will redress the injury.  
Prudential limitations

**"Where there are no Depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D. C. Pa. 1264. 229 F. Supp. 647**

Professional statements of litigants attorney are treated as affidavits, an attorney making statements may be cross-examined regarding substance of statements. [ How many of those People have any "First Hand Knowledge"? NONE]. ( Frunzar v Allied Property and Casualty Ins/Co, Iowa 1996 548 N.W. 2d 880)

**Dayo v Detroit Creamery Co (Mich 1932) 241 N. W. 2d 24, ( Statutes forbidding administering of oath by attorney's in cases in which they may be engaged applies to affidavits as well.)**

**Porter v Porter, (N.D. 1979) 274 N.W. 2d 235 "The practice of an attorney filing an affidavit on behalf of his client asserting the status of that client is not approved, in as much as not only does the affidavit become hearsay, but it places the attorney in a position of a witness, thus compromising his role as advocate."**

**"Manifestly, [such statements] can not be properly considered by us in the disposition of [a] case"**  
**United States v Lovasco (06/07/99) 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d. 752**

**This applies both with Federal Rules of Evidence and State Rules of Evidence....there must be a competent first hand witness (a body). There has to be a real person making the complaint and bringing evidence before the court. Corporations are paper and can't testify.**

“No instruction was asked, but as we have said, the judge told the jury that they were to regard only the evidence admitted by him, not statements of counsel”, Holt v. United States, (10/31/10) 218 U.S. 245. 54 L. Ed.1021, 31 S. Ct. 2

**The Prosecutor is not a witness**; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial.” Donnelly v. Dechristoforo, 1974. SCT 41709 56; 416 U.S. 637 (1974) Mr. Justice Douglas dissenting.

“Statements of counsel in brief or in argument do not rise to level of fact sufficient for motion to dismiss or for summary judgment,” Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp, 647

Page 2

“Factual statements or documents appearing only in brief shall not be deemed to be a part of the record in the case, unless specifically permitted by the Court”-Oklahoma Court Rules and Procedure, Federal local rules 7.(h).

**Under no Possible view, however, of the findings we are considering can they be held to constitute a compliance with the statute, since they merely embody conflicting statements of counsel concerning the facts as they suppose them to be and their appreciation of the law which they deem applicable, there being, therefore, no attempt whatever to state the ultimate facts by a consideration of which we would be able to conclude whether or not the judgment was warranted.”** Gonzales v. Buist. (04/01/12) 224 U.S. 126, 56 L. Ed. 693. 32 S. Ct 463.

Care has been taken, however, in summoning witnesses to testify, to call no man whose character or whose word could be successfully impeached by any methods known to the law. And it is remarkable we submit, that in a case of this magnitude, with every means and resource at their command, the complainants, after years of conspiracy and of gullibility against these witnesses, only upon the bare

Page 2

statements of counsel, The lives of all the witnesses are clean, their characters for truth and veracity unassailed, and the evidence of any attempt to influence the memory or the impressions of any man called, cannot be successfully pointed out in this record."

Telephone Cases. Dolbear v. American Bell Telephone Company, Molecular Telephone Company v. American Bell Telephone Company, American Bell Telephone Company, v. Molreclar Telephone Company, Clay Commercial Telephone Company v. American Bell Telephone Company, People's Telephone Company v. American Bell Telephone Company, Overland Telephone Company v. American Bell Telephone Company. (PART TWO OF THREE)(03/19/88) 126 U.S.1., 31 L. Ed. 863, 88 Ct. 778.

**Article 4;** FULL FAITH AND CREDIT CLAUSE =(Sister States Doctrine)

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

**Section 2.** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states

SCREWS v. U.S., 325 U.S. 91 (1945)

Page 325 U. S. 105 ?violates the statute not merely because he has a bad purpose, but because he acts in defiance of announced rules of law. He who defies a decision interpreting the Constitution knows precisely what he is doing;

But willful violators of constitutional requirements, which have been defined, certainly are in no position to say that they had no adequate advance notice that they would be visited with punishment. When they act willfully in the sense in which we use the word, they act in open defiance or in reckless disregard of a constitutional requirement.



Ralph-Edward: Heitman  
Post Office Box 271  
Garden City, Utah [84028]

STATE OF IDAHO )  
COUNTY OF BEAR LAKE ) ss  
I, KERRY HADDOCK, Clerk, Auditor and Recorder  
of Bear Lake County, Idaho, do hereby certify that the within and  
correctly is a true and correct copy of the original \_\_\_\_\_  
Public Notice \_\_\_\_\_ in my office.  
I have personally set my hand and  
affixed the seal of my office at Paris, Idaho, this 15<sup>th</sup> day of  
October 2012  
Cindy Garner Deputy  
Clerk, Auditor & Recorder, Bear Lake County, Idaho

Instrument # 208828

BEAR LAKE COUNTY  
11-30-2010 04:06:53 No. of Pages: 2  
Recorded for: RALPH HEITMAN  
KERRY HADDOCK Fee: 13.00  
Ex-Officio Recorder Deputy Rundman  
Index to: MISCELLANEOUS

## PUBLIC NOTICE

### **A Ninth Amendment Proclamation**

This document is the solemn declaration of domicile of choice of the undersigned,  
pursuant to the Ninth Amendment of the Constitution for the United States of America.

Know All Men By These Presents:

I, Ralph-Edward: Heitman, hereby do Declare and State I am a de jure Sovereign  
Citizen of the united States of America, domiciled within the territorial boundaries of  
Bear Lake county, Idaho, a Republic state, and thereby a member of the Posterity of We  
the people, with UNALIENABLE rights, privileges and immunities that are guaranteed  
by organic law, secured by the Constitution for the united States of America (1789) and  
INALIENABLE civil liberties that are guaranteed by the Constitution for the republic  
state of the Idaho, and are to be executed with specific performance pursuant to the  
Statutes of Fraud and Perjuries.

This declaration hereby establishes and distinguishes Declarant as a freeholder in  
the American sense and as a nonresident of "this state" (STATE OF IDAHO), or any  
other (de facto) forum state with a "body politic or corporate" repugnant to the above.  
Declarant's free exercise of religious belief and accountability to the universal laws of  
nature, and to nature's god, as originally embodied upon the adoption of the Constitution,  
and includes the natural sense of an inherent moral duty toward mankind.

This proclamation, duly of record within Bear Lake county, to any and all  
conditional presumptions by any and all quasi/constructive/implied consent(s) to any and  
all foreign jurisdictions in apposition to Declarant's asylum home state of domicile as  
secure by the supreme law of the land.

SUBSCRIBED AND SWORN: I, Ralph-Edward: Heitman, decl under penalty of  
perjury under the laws of the united States of America that the foregoing is true, correct  
and complete to the best of my knowledge.

:Autograph: Ralph-Edward: Heitman  
:Real Sentient Man on the Land UCC~1-207/308

**U.S. POSTAL SERVICE**  
**CERTIFIED MAIL RECEIPT**  
 Domestic Mail Only - No Insurance Coverage Provided

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

<b>MONTEPELIER ID 83254</b>		
Postage	\$ 0.45	0445
Certified Fee	\$2.95	05
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.40	10/05/2012

Sent To: First Idaho Title Co  
 Street, Apt. No.: Washington St  
 PO Box No.: Montpelier Id 83254  
 City, State, ZIP: Montpelier Id 83254

Form 3800, August 2006 See Reverse for Instructions

Continued 7012 0470 0007 9375 202

**Affidavit**

of

**Thomas J Griffin**

and state that I am over 18 years of age, competent to testify and if called upon to testify will do so with truth and accuracy.

I, Griffin, the Title holder of Lot 21, BEAR LAKE WEST, Fish Haven Idaho and Notices the Court that I, the Affiant, my property has been sold to a Mr. Larry Butters. I, the affiant, am not taking place against this property since I purchased it from 1 years Past.

In this apparent scheme to defraud me of my right to this property, that you have three Days from receipt of this notice, Certified Letter, to clear my title and inform me that you did so.

Further, I have never been served with any legal process of any nature regarding this property other than the Tax Notice each year which I forward to Ralph Heitman, or have paid myself, and to the best of my knowledge none exists. I have been receiving Tax Notices at this address since Mr. Heitman and I made our deal and they may be behind a year or so, but it is my understanding that this has nothing to do with Property Tax,

If you have sold my property without informing me for any reason you have Slander my Title and Good Name, and are causing me a great deal of harassment without just cause.

I will seek money damages from you if you do not comply with my demand


*Thomas J. Griffin*  
**Thomas J. Griffin, Affiant**  
 Space 37  
 702 McAurthur Blvd  
 Winnemucca, Nevada

*Notice to Agent is Notice to the Principle  
 Notice to Principal is notice to Agent.*

*CC: LANE V ERICKSON  
 P.O. Box 1391  
 Pocatello, ID 83204*

*Judge David C Nye  
 Bannock County Court House  
 Pocatello, ID 83201*

SUBSCRIBED AND SWORN TO  
 BY Thomas J. Griffin  
 BEFORE ME THIS 5<sup>th</sup> DAY  
 OF October, 2012  
*Laura D. Lecumberry*  
 NOTARY PUBLIC

 **LAURA D. LECUMBERRY**  
 Notary Public - State of Nevada  
 Appointment Recorded in Humboldt County  
 No: 99-37847-9 - Expires September 5, 2015

**Affidavit**  
**of**  
**Thomas J Griffin**

I, Thomas J. Griffin, depose and state that I am over 18 years of age, competent to testify to the facts herein, with knowledge; and if called upon to testify will do so with truth and accuracy to the best of my ability so help me God.

Comes now Affiant, Thomas J. Griffin, the Title holder of Lot 21, BEAR LAKE WEST, COUNTRY Club Estates, No. 2, in Fish Haven Idaho and Notices the Court that I, the Affiant, has just been noticed that My Property has been sold to a Mr. Larry Buttars. I, the affiant, am not aware of any legal process having taken place against this property since I purchased it from Mr. Ralph Edward Heitman several years Past.

I hereby notice those involved in this apparent scheme to defraud me of my right to this property, that you have three Days from receipt of this notice, Certified Letter, to clear my title and inform me that you did so.

Further, I have never been served with any legal process of any nature regarding this property other than the Tax Notice each year which I forward to Ralph Heitman, or have paid myself, and to the best of my knowledge none exists. I have been receiving Tax Notices at this address since Mr. Heitman and I made our deal and they may be behind a year or so, but it is my understanding that this has nothing to do with Property Tax,

If you have sold my property without informing me for any reason you have Slander my Title and Good Name, and are causing me a great deal of harassment without just cause.

I will seek money damages from you if you do not comply with my demand

Thomas J. Griffin, Affiant  
Space 37  
McAurther Blvd  
Winnamucca, Nevada

Legal Number LL1240

AFFIDAVIT OF PUBLICATION

Susan Galland, Legal Clerk for Lovelock Review-Miner, a once weekly newspaper published in Lovelock, Pershing County, Nevada, duly swear that the following

RACINE, OLSON, NYE, BUDGE  
LL1240-SUMMONS GRIFFIN

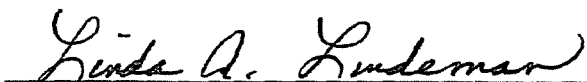
a printed copy of which is affixed,

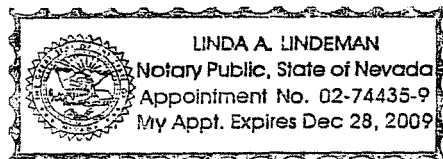
was published 4 time(s)  
commencing 10/09/08  
and ending 10/30/08

  
Susan Galland

State of Nevada  
County of Pershing  
Signed and sworn to before me by

\*\*Susan Galland\*\* on 10-29-08

  
Linda A. Lindeman, Notary



Legal No. LL1240  
Lane V. Erickson (ISB# 5979)  
RACINE OLSON NYE  
BUDGE  
& BAILEY, CHARTERED  
P.O. Box 1391/Center Plaza  
Pocatello, Idaho 83204-1391  
Telephone: (208) 232-6101  
Facsimile: (208) 232-6109

Attorney for Plaintiff Bear Lake West Homeowner/Es Association  
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BEAR LAKE  
BEAR LAKE WEST HOMEOWNERS ASSOCIATION, an Idaho Nonprofit association,  
Case No. CV-2008-00103  
Plaintiff,

v.  
RALPH EDWARD HEITMAN a/k/a RALPH EDWARD HEITMAN, an individual; VINCENT P. DORSETT, an individual; BRIAN D. NICHOLAS, an individual; THOMAS A. GRIFFIN, an individual; BUILDERS INCORPORATED, a defunct Idaho corporation; DEPARTMENT OF TREASURY-INTERNAL REVENUE SERVICE, a Federal agency; and IDAHO STATE TAX COMMISSION, an Idaho agency,  
Defendants.

SUMMONS  
TO: THOMAS A. GRIFFIN  
500 Glen Lane  
Lovelock, Nevada 89419  
NOTICE: YOU HAVE BEEN SUED BY THE ABOVE-NAMED PLAINTIFF. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS.

READ THE INFORMATION BELOW.

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above-designated Court within twenty (20) days after service of this Summons on you. If you fail to so respond, the Court may enter Judgment against you as demanded by the Plaintiff(s) in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation of an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.  
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.

3. Your signature, mailing address and telephone number, or the signature, mailing address and telephone number of your attorney.

4. Proof of mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named Court.

DATED this 23 day of June, 2008.

CLERK OF THE COURT  
Deputy Clerk  
Published in Lovelock Review Miner October 9, 16, 23 & 30, 2008.

## Affidavit of Denial of Corporation Existence

I, **Ralph- Edward: Heitman**, a sentient, living, breathing full liability man, declare in my own freewill that the following facts are true to the best of my knowledge and belief.

I hereby deny that the following corporations exist: **UNITED STATES, THE STATE OF IDAHO, THE COUNTY OF BEAR LAKE, MONTPELIER CITY, IDAHO, THE MONTPELIER POLICD DEPARTMENT, BEAR LAKE WEST HOME OWNERS ASSOCIATION, ALL BAR (BRITISH ACREDITDATION REGENCY) ASSOCIATIONS, THE MONTELIER CITY COURT, THE BEAR LAKE COUNTY COURT, RALPH HEITMAN OF BOX 111, FISH HAVEN, IDAHO, and ALL OTHER CORPORATE MEMBERS WHO ARE, OR WHO MAY BE ASSOCIATED WITH ANY COMPLAINTS AGAINST MY NATURAL BODY.**

If any man or woman desiring to answer this affidavit, please answer in the manner of this affidavit, with notarized affidavit, using your given appellation and Christian or family name for signature, and mail to the below named notary, address provided, within five (5) days or default will be obtained.

By: Ralph-Edward: Heitman  
Ralph-Edward: Heitman

On the 14<sup>th</sup> day of June 2004 a.d., a man who identified himself as **Ralph-Edward: Heitman**, appeared before me, a notary, and attested to the truth of this affidavit with his autograph.



Rebecca Solim  
comm. expires 10-23-09

STATE OF IDAHO  
COUNTY OF BEAR LAKE

KERRY HADDOCK  
I, KERRY HADDOCK, County Clerk of Bear Lake County, Idaho, do hereby certify that the within and foregoing is a true and correct copy of the original.

Affidavit  
Record

October

Cindy Garner 2012 Deputy  
Clerk, Auditor & Recorder, Bear Lake County, Idaho

2004 JUN 14 PM 3 53  
DEPUTY  
FEE \$3.80

BEAR LAKE COUNTY RECORDS  
JOHN P. EBERHART

188557

DAN I. POPE  
1135 EASTRIDGE DR.  
LOGAN, UT. 84321

435-752-6429

9-24-04

FAX TO 208-945-2215

DEAR MR. RAY,

IN THE SPRING OF THIS YEAR, RALPH HEITMAN BROKE A 6" PVC IRRIGATION WATER LINE THAT COMES FROM THE SLOAN CREEK CANAL AND GOES ALONG THE SOUTH SIDE OF THE BEAR LAKE WEST GOLF COURSE, EAST TO 10 ACRES OF LAND THAT I OWN.

THIS IRRIGATION LINE WAS INSTALLED IN 1999 BY BEAR LAKE WEST HOME OWNERS ASS., TO REPLACE AN EXISTING LINE THAT WENT THROUGH PROPERTY THAT THE HOME OWNERS ASS. WAS DEVELOPING AND HAD TORN THE LINE OUT. A LOT EASEMENT WAS GRANTED FOR THIS LINE AND RECORDED WITH THE COUNTY ON OCT 20, 1999.

MY FIRST PHONE CALL TO MR. HEITMAN WAS TO INFORM HIM THAT HE HAD BROKEN THE LINE AND ASK HIM TO FIX IT. HE WAS AWARE OF THE BREAK AND STATED THAT HE WOULD HAVE THE LINE FIXED BEFORE WATER WAS PUT IN THE CANAL. HE WAS COMPLAINING THAT THE LINE WAS NOT SET IN THE GROUND DEEP.

ENOUGH AND THAT THE HOME OWNERS ASS.  
HAD NOT TOLD HIM ABOUT IT.

MY SECOND PHONE CALL TO MR. HEITMAN  
WAS OVER A MONTH AFTER THE FIRST ~~AND~~ <sup>FOR</sup> WATER  
HAD BEEN IN THE CANAL ~~FOR~~ <sup>FOR</sup> 1 WEEKS  
BEFORE. THE WATER LINE HAD STILL NOT BEEN  
FIXED AS PROMISED. MR. HEITMAN SAID THAT  
THE LINE WAS ON HIS PROPERTY AND THAT  
HE WAS NOT GOING TO FIX THE LINE. NOR  
WOULD HE ALLOW ANYONE ELSE TO FIX IT.

I ASK HIM TO LET THE LINE BE FIXED SO  
I COULD IRRIGATE MY PROPERTY AND RES-  
OLVE THE ISSUE <sup>WITH</sup> THE HOME OWNERS ASS.  
AT A LATER DATE. AS TO (WRIGHT-OF-WAY)  
AND EASEMENT. HE SAID IF HE DID THAT, HIS  
FUTURITY WOULD BE GOING TO GET THE LINE MOVED  
AND THAT THERE WAS ONLY A 5 FT EASEMENT.  
AND THE LINE WAS NOT IN IT. I TOLD HIM  
THERE WAS A 10 FT EASEMENT RECORDED ALONG  
WITH MY AGREEMENT IN 1999 WITH THE  
HOME OWNERS ASS. AND THAT IT WAS HIS  
RESPONSIBILITY TO BE AWARE OF ANY EN-  
CUMBRANCES ON HIS PROPERTY BEFORE  
BUILDING. HE STILL REFUSED TO LET THE LINE  
BE FIXED.

2/3

DUE TO MR HOITMAN'S REFUSAL TO FIX  
THE LINE THAT HE WRE OUT READING WITH  
HIS REFUSAL TO LET SOMEONE ELSE FIX  
IT, MY 10 HORSES OF PROPERTY WENT  
WITHOUT WATER FOR 1200 AT THE STATION.  
CAUSING ME SIGNIFICANT FINANCIAL DAMAGES  
AND MENTAL ANGUISH.

SINCERELY.

DAVID J. POPE.

DAVID J. POPE.

9-24-04.



~~15~~

DEAR [83287]

齊

**of Ralph-Edward Heitman**

**in the form of an**

**ALFRED A. VITTI**

## CREATINGS:

## Declaration of Donors:

## Declarations of Neutrality:

By: Paul S. Dandridge /s/

**Ralph Edward Heinman, Secured**

## **ACKNOWLEDGEMENT**